

# Notice of Allowability

Application No.

10/686,750

Examiner

FREDA A. NELSON

Applicant(s)

MELZER, GLENN W.

Art Unit

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After-final amendment filed December 3, 2007 and Interview of 1/25/08 and 1/28/08.
2. ☒ The allowed claim(s) is/are 1- 4, 10-18, 22-28, and 33-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### **Response to Amendment**

The amendment received on December 3, 2007 is acknowledged and entered. Claims 1, 14, 27, 33 and 35 have been amended. Claims 5-9, 19-21 and 29-32 have been amended. Claims 5-9, 19-21, and 29-32 have been canceled. Claims 36-37 have been added. Claims 1- 4, 10-18, 22-28, and 33-37 are currently pending.

Claims rejections under 35 USC § 112 have been withdrawn due to the examiner's amendment.

The drawings filed on April 30, 2003 are accepted by the Examiner.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael F. Hoffman (Reg. No. 41,217) on January 25<sup>th</sup>, January 28<sup>th</sup>, 2008, and February 19, 2008.

The application has been amended as follows:

**IN THE SPECIFICATION**

On page 15, line 20, insert typical “having a processor, memory, input device, and output device” after “system”.

**IN THE CLAIMS**

1. (Currently Amended) A wholesale discount pricing system for calculating a special wholesale pricing between a wholesaler and a reseller for a transaction between the reseller and an end- user, comprising:

a general purpose computing system having a processor, memory, input device, and output device, wherein the general purpose computing system includes:

a system for inputting a special pricing request from a reseller to a wholesaler, wherein the special pricing request includes a product identifier and an end-user discount the reseller intends on applying to the transaction with the end-user;

a product mapping system that maps the product identifier to a set of pricing parameters, wherein the set of pricing parameters includes an entitled discount, a ~~maximum discount~~, a start margin and an end margin; and

a calculation system that calculates the special wholesale pricing based on the set of pricing parameters and the inputted end-user discount, wherein the calculation system includes:

a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin;

wherein the end-user discount at the start margin is given by:  $(De - Ms)/(1 - Ms)$ , wherein De is the entitled discount and Ms is the start margin.

14. (Currently Amended) A ~~program-product~~ computer readable medium with instructions embodied therein ~~stored on a recordable medium~~ for calculating a special wholesale pricing between a wholesaler and a reseller for a transaction between the reseller and an end-user, comprising:

means for inputting a special pricing request from a reseller to a wholesaler, wherein the special pricing request includes a product identifier and an end-user discount that the reseller intends on applying to the transaction with the end-user;

means for selecting a set of pricing parameters based on the product identifier; and means for calculating the special wholesale pricing based on the set of pricing parameters and the inputted end-user discount, wherein the means for calculating includes:

a first routine for handling a case where the end-user discount is less than ~~the~~ a start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than ~~the~~ a end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin; and

wherein either (1) the end-user discount at a start margin is given by:  $(De - Ms) / (1 - Ms)$ , wherein De is an entitled discount and Ms is the start margin, or (2) the end-user discount at an end margin is given by:  $(Dm - Me) / (1 - Me)$ , wherein Dm is a maximum discount and Me is an end margin.

27. (Currently Amended) A computerized method for calculating a special wholesale pricing between a wholesaler and a reseller for a transaction between the reseller and an end-user, comprising:

providing at least one processing unit and a memory operably associated with the at least one processing unit; and

a wholesale pricing system storable in memory which when executed by the at least one processing unit provides functions including:

receiving a special pricing request in a standard format from a reseller, wherein the special pricing request includes a product identifier and an end-user discount that the reseller intends on applying to the transaction with the end-user;

determining a set of pricing parameters for the transaction, wherein the set of pricing parameters includes an entitled discount, a ~~maximum discount~~, a start margin and an end margin;

calculating the special wholesale pricing based on the set of pricing parameters, wherein the calculating includes:

a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin;

wherein the end-user discount at the start margin is given by:  $(De - Ms)/(1 - Ms)$ , wherein De is the entitled discount and Ms is the start margin; and

outputting the special wholesale pricing.

36. (Currently Amended) A wholesale discount pricing system for calculating a special wholesale pricing between a wholesaler and a reseller for a transaction between the reseller and an end-user, comprising:

a general purpose computing system having a processor, memory, input device, and output device, wherein the general purpose computing system includes:

a system for inputting a special pricing request from a reseller to a wholesaler, wherein the special pricing request includes a product identifier and an end-user discount the reseller intends on applying to the transaction with the end-user;

a product mapping system that maps the product identifier to a set of pricing parameters, wherein the set of pricing parameters includes an entitled discount, a maximum discount, a start margin and an end margin; and

a calculation system that calculates the special wholesale pricing based on the set of pricing parameters and the inputted end-user discount, wherein the calculation system includes:

a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin;

wherein the end-user discount at the end margin is given by:  $(D_m - M_e)/(1 - M_e)$ , wherein  $D_m$  is the maximum discount and  $M_e$  is the end margin.

37. (Currently Amended) A computerized method for calculating a special wholesale pricing between a wholesaler and a reseller for a transaction between the reseller and an end-user, comprising:

providing at least one processing unit and a memory operably associated with the at least one processing unit; and

a wholesale pricing system storable in memory which when executed by the at least one processing unit provides functions including:

receiving a special pricing request in a standard format from a reseller, wherein the special pricing request includes a product identifier and an end-user discount that the reseller intends on applying to the transaction with the end-user;

determining a set of pricing parameters for the transaction, wherein the set of pricing parameters includes an entitled discount, ~~a maximum discount~~, a start margin and an end margin;

calculating the special wholesale pricing based on the set of pricing parameters, wherein the calculating includes:

a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin;

wherein the end-user discount at the start margin is given by:  $(De - Ms)/(1 - Ms)$ , wherein De is the entitled discount and Ms is the start margin; and

outputting the special wholesale pricing.

### ***Allowable Subject Matter***

Claims 1- 4, 10-18, 22-28, and 33-37 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 1, 27, and 37, the best prior art, Habiby et al. (US PG Pub. 2003/0033215), while disclosing Business process modeling of wholesale procurement, in view of Nowers et al. (US PG Pub. 2003/0033205), while disclosing



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method and system of facilitating fulfillment of electronic commercial transactions does not disclose or fairly teach:

product mapping system that maps the product identifier to a set of pricing parameters, wherein the set of pricing parameters includes an entitled discount, a start margin and an end margin; and

a calculation system that calculates the special wholesale pricing based on the set of pricing parameters and the inputted end-user discount, wherein the calculation system includes:

a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin;

wherein the end-user discount at the start margin is given by:  $(De - Ms) / (1 - Ms)$ , wherein De is the entitled discount and Ms is the start margin.

As per independent claim 14, the best prior art, Habiby et al. (US PG Pub. 2003/0033215), while disclosing Business process modeling of wholesale procurement, in view of Nowers et al. (US PG Pub. 2003/0033205), while disclosing method and system of facilitating fulfillment of electronic commercial transactions does not disclose or fairly teach:

a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin; and

wherein either (1) the end-user discount at a start margin is given by:  $(De - Ms)/(1 - Ms)$ , wherein De is an entitled discount and Ms is the start margin, or (2) the end-user discount at an end margin is given by:  $(Dm - Me)/(1 - Me)$ , wherein Dm is a maximum discount and Me is an end margin.

As per independent claim 36, the best prior art, Habiby et al. (US PG Pub. 2003/0033215), while disclosing Business process modeling of wholesale procurement, in view of Nowers et al. (US PG Pub. 2003/0033205), while disclosing method and system of facilitating fulfillment of electronic commercial transactions does not disclose or fairly teach:

a product mapping system that maps the product identifier to a set of pricing parameters, wherein the set of pricing parameters includes an entitled discount, a maximum discount, a start margin and an end margin; and

a calculation system that calculates the special wholesale pricing based on the set of pricing parameters and the inputted end-user discount, wherein the calculation system includes:

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a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin;

wherein the end-user discount at the end margin is given by:  $(D_m - M_e)/(1 - M_e)$ , wherein  $D_m$  is the maximum discount and  $M_e$  is the end margin.

The best NPL prior art, "An E-shopping System with Different Negotiation Model" does not disclose or fairly teach:

a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin;

wherein the end-user discount at the start margin is given by:  $(D_e - M_s)/(1 - M_s)$ , wherein  $D_e$  is the entitled discount and  $M_s$  is the start margin.

The best foreign art, Kumagai (JP 09171531 ) while disclosing an automatic wholesale auction system fails to disclose:

a first routine for handling a case where the end-user discount is less than the start margin;

a second routine for handling a case where the end-user discount is greater than the start margin, but less than the end margin; and

a third routine for handling a case where the end-user discount is greater than the end margin;

wherein the end-user discount at the start margin is given by:  $(De - Ms)/(1 - Ms)$ , wherein De is the entitled discount and Ms is the start margin.

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday, 10:00 am –6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Freda A Nelson/

Examiner, Art Unit 3628

02/18/2008

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628